

EXHIBIT

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Ellis, Thomas

From: Rob Para [rpara@lamoureuxpagano.com]  
 Sent: Tuesday, February 25, 2003 8:55 AM  
 To: Ellis, Thomas  
 Subject: RE: contact Eastern

Thank you Tom

I also talked with Warren and asked him to ask you to call Jill also as explained that we may or may not have definitive answers by wed but certainly direction and other issues that need further study or ref calls

Warren will forward to LPA the Architects name on the Framingham project and we will contact the references I have been getting on eastern have been ok there have been concerns on manpower and scheduling but no uncompleted work certainly punch list and coordination issues.

We discussed Eastern (and Munbardy though we do not know who yet ) with CRJ and they indicate that they require a lot of "hand holding and oversight " but there are no glaring issues

LPA has postponed the consultants meeting for Wednesday and I will forward an agenda and info for review prior to we felt it would be more productive to have additional info on the contractors proposed team and site subs prior to meeting  
 We still should get together to discuss heery's projected role in supervision and will augment w/ consultants

thank you  
 rob para jr

>>> "Ellis, Thomas" <TEllis@heery.com> 02/25/03 06:44AM >>>  
 Rob:

I will contact Frank Marino at Eastern today to request additional information on the project team and site subcontractor/environmental monitoring team. I am in Baltimore at a conference and will return tonight. You can reach me on my mobile phone if we need to talk. When I get a break I will try and contact you.

I plan on being in your office tomorrow AM for the environmental team meeting and the e-Builder meeting in the afternoon.

Tom

-----Original Message-----

From: Rob Para [mailto:rpara@lamoureuxpagano.com]  
 Sent: Monday, February 24, 2003 3:49 PM  
 To: Ellis, Thomas  
 Cc: Dick Lamoureux; Todd Manning  
 Subject: contact Eastern

Hi Tom

Mike Obrein canceled today's meeting though no one told me, which allowed a short meeting with Jill and Eric, later joined by Rick

Jill requested to have recommendations for the manager on Wed . and I indicated that Rick advised that LPA not contact Eastern and believe he gave you the same direction  
 I indicated that crucial to our assessment was knowing who their team was going to be site and supervisory as the wetland mitigation issues and site were key  
 assesment of manpower and scheduling would be Heery's expertise.

JILL INDICATED THAT WE SHOULD CONTACT EASTERN AND OBTAIN A RECOMMENDATION BY WED ...

I indicated as earlier discussed with you that it would probably come as a first call and obtain answers (or not)

and we would probably want to sit with them and in detail review the job and scope etc.

I WOULD SUGGEST AS EARLIER YOU MAKE THE FIRST CALL AND SET UP A DIALOG AND THEN WE FOLLOW UP please advise

the manager is also wishes to request that they substitute the low filed subs (KMD) and our opinion was earlier stated

(following is a draft letter sent to Eric last week)

(this opens up a situation that if the city requests one low they should go for all the lows and they will truly become our sub-contractors and begin on a sour note )

please advise

thanks

rob para jr

Eric

Please advise when Mike O'Brien et-al wishes to reschedule, I am free Wed and Thurs. of this week and Mon, Tue. and Fri. of next week .

We (and Chris Gagliastro) rec'd letter from The foundation for fair contracting of Massachusetts and draft response is as follows we will not finalize until we discuss with the city and Tom Ellis when he is back next week

thanks and advise

rob para jr

18 February 2003

DRAFT- DRAFT- DRAFT

Ms. Jill Dagilis, Commissioner  
Department of Code Enforcement  
25 Meade Street  
Worcester, MA 01610

Re: Worcester Vocational High School - Phase II  
General Bid Review Requested Substitution

Dear Jill:

We are in receipt of the February 12, 2003 letter from Foundation for Fair Contracting of Mass. They request a substitution of KMD for Eastern's Mechanical division and further go on with allegations of Eastern's sub-subcontractors, General Mechanical and Thermo Dynamics.

1. On the first issue of substitution, two items come into play:

(from 149 Sec. 44E line 57-60) "the awarding authority may substitute for any sub-bid field with the awarding authority by another sub trade\*".

Our question to the City would be primarily, what is in the best interest of the project and of the awarding authority, for the City to substitute any bidder, reject any bidder or take any action.

The City must consider that they cannot compel the General Contractor to agree to substitute, and the General Contractor may object to the substitution, as they may have a better working relationship with their own mechanical division than with the lower sub bidder and could object to the "standing an ability of the low contractor" as allowed by MGL. At best the city could ask for a contractual adjustment for the cost difference, which I would not recommend.

The City should consider the monetary value, KMD's price with alternate No. 1's is \$7,689,000 vs. Eastern's \$7,700,000 is a (we assume from conversation that the alternates 1-4 will be selected by the City) \$11,000 difference (one one-hundred fiftieth of the price). This in the writer's opinion is a small amount over the value of this contract, and LPA's policy has been that the General Contractors carry the subs that they

can work with and the monetary considerations have already been made in their overall price with OH&P and ability to work with their sub-contractors taken into consideration.

LPA has worked in the past with both KMD (Shrewsbury High School, punch list now underway and Shrewsbury Middle School, now underway, as well as other jobs in the past) and have worked with Eastern Mechanical Division (All School) and in our opinion each has the means to complete the project. LPA has also worked with General Mechanical (Bullard St. School in Holden, Houghten/Chockset School in Sterling, and The Norback school in Worcester) as the prime mechanical contractor and there have been issues however the issues have been resolved. Eastern has carried General mechanical as their sheet metal sub and not as the prime Mechanical contractor and the burden of coordination falls with Eastern. And these issues should be raised with Eastern.

The City must advise LPA/Heery on what discussion we should have with the Contractor on these issues, and the contractor must advise the city on their objections to substitute and their abilities to coordinate their sub-sub contractors.

2. On the allegations of the sub-sub, General Mechanical, my first blush it appears the problems are punch list and primarily the mechanical systems controls, and there are also issues regarding the design of the systems. The city/Heery/LPA and our mechanical consultant should review the referenced material.

3. On the allegations of the sub-sub, Thermo Dynamics apprentice program, this is an issue for the City to address.

Please advise,

Robert Para, Jr., A.I.A.  
Project Architect

RP/pf

cc: Rick Trifero  
Eric Twickler  
Tom Ellis  
Todd Manning

Hi Tom

I called Rick, and as you know he and Warren went to Boston to review the files of Eastern.

as you mentioned in your e-mail I checked with Rick and reviewed LPA's concerns as outlined in our earlier e-mails and telcoms on the site and manpower concerns

He advised LPA not to call Eastern at this time

but we were to call the no 2 contractor, Consigli and discuss the similar issues with them memo of tel-com as follows.

WE should met as you indicated to review notes and city directives on wed possibly after our site meeting.

Verbally we have heard the proposed Eastern team for Algonquin is different but I will have Todd check with Jack Ferguson from their PM

thanks and advise  
rob para jr

Mr. Rick Trifero  
City of Worcester  
Department of Code Enforcement

HRV 00004

25 Meade Street  
Worcester, MA 01610

Re: Worcester Vocational High School  
Phase II

Dear Rick:

As discussed and directed, we questioned Consigli on their perspective site contractors and plans. Eric Steinmetz faxed the following (tel. 508-458-0368).

Site Environmental Consultant: Sanford Ecological  
Dr. Gary Sanford

Arborist: Bartlett Tree

Landfill Closure: ETL from Stowe Ma.

School Site: Combination Pytco/ETL/Self-Performing

Consigli will self perform much of the excavations to maintain control over environmental issues and production.

Consigli's plan is to complete the work in 30-32 months. Consigli's site super is Brandon Seaman (resume in bid package). They have much of their own site equipment and could be prepared to immediately mobilize and take control of the site and environmental controls. He Consigli welcomes a meeting to discuss their capabilities and strategies at any time.

We will question Eastern on the same as soon as directed.

Sincerely,

Robert Para, Jr., AIA  
Project Architect

RP/aw

cc: Tom Ellis, Heery

9815/Corres/Owner/9815CO-CL11d.(HEALTH&CODE).doc

Rob:

Check with Rick Trifero to see what he has done in my absence. I understand that he and Warren Pearson were heading to DCAM today to review the files. I do feel that it is important for a meeting to be set up with the City, LPA, Heery and Eastern to discuss and review all these issues before Eastern is tendered a contract. I suggest that we have this meeting as soon as everyone's schedule will allow next week and following submission of information (in writing) on Eastern's management team and key non-filed subcontractors.

Tom

-----Original Message-----

From: Rob Para [mailto:rpara@lamoureuxpagano.com]  
Sent: Wednesday, February 19, 2003 4:53 PM  
To: Ellis, Thomas  
Cc: Todd Manning  
Subject: easterns site contractor

**HRV 00005**

Hi Tom

(sorry to bug you on vacation)

In preparation of our meeting with the site consultants wed we wish to have an understanding of who Easterns site contractor(s) will be Dick and I also see this as critical to qualifying Eastern and assessing that they have the understanding and



capabilities to do the work and the protection of the vernal pools and wetlands Eastern traditionally has contracted with CK Munbardy and we have concerns with their understanding of the scope and project as we are currently in litigation with them on a number of issues

Also our site consultants CRJ, JNEI, WSE have made additional contractual requests for site supervision and having the knowledge on "who the devil might be" will guide us on reviewing and revising back their contracts The environmental services contract is hourly to the contract and would be greatly capped with a contractor that has a good understanding

Knowing you are away Dick has offered to call Frank Marino or Ramesh to discuss thanks and advise  
rob para jr

MEMO OF 2/18/03  
Tom  
following is status of the Algonquin project and eastern

Hope you made it safely to florida and the weather did not follow you enjoy your kids, etc and vacation  
rob para jr

Todd,

No contract has been signed yet. We anticipate that it will be signed before the end of the month. The amount of the low base bid is \$44,427,000, ( Eastern). Alternates add approximately 3 million more.

Jack

MEMO OF 2/13/03  
Tom  
we wish to coordinate our joint and the city's review of eastern's bid information and issues toward that goal  
1. the city will review all the forms and written results compare the numbers /figures etc  
2. Heery will discuss w/ Easterns Frank Marino and obtain information on their proposed team and qualifications  
3. I would also like you to determine the names of their major non filed subs particularly the site  
4. I would like to review with eastern scope of work that they have indeed included all the items we believe should have been and particularly how comprehensively, erosion controls wertland and vernal pool mitigation , that they have included all fees permits, temporary power and coordination or these issues with their major subs

I wish to do a check list and if you can review with Frank who I should be discussing it with and how you suggest either a meeting or via phone

5. review or update statement and review of their files

I notice that they have not included or I have not found Algonquin (northbro/southbro high school) in their update statement which is worth \$ 40 - \$42 million , rumor has it that they are also low on another school worth \$ 30 MIL these may not be under contract yet but heard that algonquin is close Todd will check with the CM on that project as he knows him  
thanks and advise  
rob para jr

24 February 2003

HRY 00006